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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,924	02/27/2004	Craig S. Kickel	303.851US1	8884

21186 7590 07/03/2006	EXAMINER
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402	LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-56</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some *   c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

1.   This action is responsive to the application filed February 27, 2004.

2.   Claims 1-56 are pending in the application. Claims 1, 19, 20, 22, 28, 34, 50, 51, and 53,

are independent claims.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

4.   **Claims 22-27 are rejected under 35 U.S.C. 101 because the claimed invention is**

directed to non-statutory subject matter. Claims 22-27 are drawn to functional descriptive

material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a).

In reference to claims 22-27, while defining a system to translate metadata from a database, the

system does not define a "computer-readable medium" and is thus non-statutory for that reason.

A system can range from paper on which the program is written to a program simply

contemplated and memorized by a person. The examiner suggests amending the claim to embody

the program on "computer-readable medium" in order to make the claim statutory.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

6.   **Claims 1-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Tijare et al., USPN 6,950,815 filed (4/23/02).**

In reference to independent claim 1, Tijare teaches:

The disclosed content management system has many advantages in terms of simplifying the user's task of writing queries. Viewing the CM system metadata as an XML document abstracts out the physical mapping of CM data model to relational database tables (compare to *"reading metadata for a database"*). See column 12, lines 1-15.

The CM data model set forth in the representations of Item Type Journal, Item Type Book, Item Type Conference, can be viewed as an XML document "LS.xml" with the following schema by applying the above described mapping rules (compare to *"translating the metadata into a page definition language"*). See column 6, lines 15-24.

The content manager system metadata, namely both system and user metadata are viewed as a single hierarchically structured document, such as an XML document (compare to *"outputting the page definition language"*). See column 4, lines 40-57.

In reference to dependent claim 2, Tijare teaches:

A tree based hierarchy of an Item Type, Journal, which is formed from multiple related tables. Journal is the root component and includes the following attributes: Title, Organization, Classification, Year, Publisher_Name. See column 3, lines 57-67.

In reference to dependent claim 3, Tijare teaches:

Tree based hierarchy of an Item Type, Book, which is formed from multiple related tables. Book is the root component and includes the following attributes: Title and Year. See column 4, lines 13-29.

In reference to dependent claim 4, Tijare teaches:

In implementation, an Item Type is composed of multiple relational or object-relational database tables, each representing a component of the Item Type. An Item is composed of one row from the database table representing the root component and zero or more rows from each of the database tables. See column 3, lines 1-24.

In reference to dependent claim 5, Tijare teaches:

For some queries searching on user metadata, it is first necessary to query the system metadata, thus requiring multiple SQL statements The disclosed CM system with its query processor advantageously insulated the client user from these high levels of query complexity. See column 3, lines 40-59.

In reference to dependent claim 6, Tijare teaches:

The disclosed content management system can be stored on virtually any computer-readable storage media, in either compressed or non-compressed form. See column 12, lines 45-57.

In reference to dependent claim 7, Tijare teaches:

To search on properties of an item, users would potentially need to either write very complex SQL query involving many complex join and/or union operations or make many complex API calls. See column 3, lines 25-44.

In reference to dependent claim 8 and 9, Tijare teaches:

The path expression in Xquery allow a high level expression of parent-child and ancestor-descendent relationships between components of an Item. It is also possible to write a

single query for both data and metadata using the wild-card notation and descendent axis

notation. See column 12, lines 5-30.

In reference to dependent claim 10, Tijare teaches:

The SourceItem Ref is a reference to the Item where the link originates. In the CM data

model, links are independent of versions. See column 6, lines 1-10.

In reference to dependent claim 11 and 12, Tijare teaches:

The CM data model set forth in the representations of Item Type Journal, Item Type

Book, Item Type Conference, can be viewed as an XML document "LS.xml" with the following

schema by applying the above described mapping rules. See column 6, lines 15-29.

In reference to dependent claim 13 and 14, Tijare teaches:

The disclosed content management system has many advantages in terms of simplifying

the user's task of writing queries. Viewing the CM system metadata as an XML document

abstracts out the physical mapping of CM data model to relational database tables. See column

12, lines 1-14.

In reference to dependent claim 15-18, Tijare teaches:

Content management system includes a hierarchical data structure, repeating groups, link

relationships and reference attributes. One goal of CM system is to abstract out the application

data model and provide a high level query language for which it is both easy for client users to

write queries and yet which can be efficiently executed by the system in a programming

language. See column 3, lines 45-56.

In reference to claims 19-33, the claims recite a system comprising computer executable

instructions for carrying out the similar methods claimed in 1-18. Therefore, the claims are

rejected under similar rationale.

In reference to claims 34-56, the claims recite a computer readable medium having computer

executable instructions for carrying out similar methods to those claimed in 1-18. Therefore, the

claims are rejected under similar rationale.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's
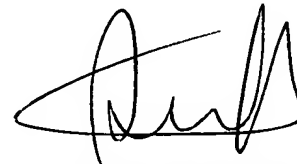
disclosure.

Lee et al.,   USPN 6,466,970   filed (1/27/99)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127.

The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

STEPHEN HONG
SUPERVISORY PATENT EXAMINER